

**SUMMARY OF PROPOSED AMENDMENTS TO THE ADMINISTRATIVE RULES
REGARDING THE ARKANSAS MINIMUM WAGE ACT
LABOR STANDARDS SECTION
DEPARTMENT OF LABOR AND LICENSING**

August 11, 2019

The purpose and necessity of the proposed amendment is to: 1) comply with changes from the 2019 legislative session; 2) add a statutory exemption; 3) conform the tip credit rule to the statutory language; 4) update some references to federal law; and 5) make some grammatical and stylistic changes.

The proposed amendments would accomplish the following:

1. Revises organizational names as needed. 2019 Ark. Acts 910;
2. Replaces the term “regulation” with “rule.” 2019 Ark. Acts 315;
3. Incorporates the test for determining a bona fide independent contractor established by 2019 Ark. Acts 1055;
4. Adds a statutory exemption, Ark. Code Ann. § 11-4-203(3)(R), for an organized camp or a religious or nonprofit education conference center;
5. Eliminates the \$.30 per hour cap on allowances for furnishing board, lodging, apparel and other facilities to conform to federal standard under the Fair Labor Standards Act (FLSA), 2019 Ark. Acts 853;
6. Provides specific authorization for an employer to pay by providing a preloaded debit card in compliance with 2019 Ark. 853;
7. Updates tip credit language in conformity to Ark. Code Ann. § 11-4-212;
8. Amends references to statute of limitations from 3 years to 2 years, 2019 Ark. Acts 853;
9. Updates references to federal law;
10. Makes some grammatical and stylistic changes; and
11. Establishes an effective date and updates the history of the rules regarding the Arkansas Minimum Wage Act.